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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,912	07/10/2003	Olivier Phely	03114	9536
23338	7590	12/27/2005	EXAMINER	
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			STORMER, RUSSELL D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/615,912	Applicant(s) PHELY, OLIVIER	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 4, 5, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Dambre (newly cited)

Peterson et al discloses an endless track comprising a reinforcing cable made up of a core and a plurality of filaments wrapped around the core. A central strand 60 is surrounded by six outer strands 70. The overall diameter of the cable is between 2.0 mm and 14.0 mm, and the cable is helically wound around the belt to form a plurality of turns that are generally parallel to one another as is well-known in the art.

The cable of Peterson is not composed of three, nine, and fifteen filaments.

Dambre teaches a cable construction for reinforcing tires, belts, and other rubber articles composed of a core of three filaments, an intermediate layer of nine filaments, and an outer layer of fifteen filaments as shown in figure 2. The diameter of each of the filaments can range from 0.1mm to 0.4mm.

For the filaments of the cables of Peterson et al to be composed of a central core of three filaments, surrounded by an intermediate layer of nine filaments, which in turn is surrounded by an outer layer of fifteen filaments would have been obvious as taught by

Art Unit: 3617

Dambre as this arrangement has been shown to provide good resistance to elongation of rubber articles such as industrial belts. Although Dambre does not specifically disclose the cable being used in an endless track, the cable can be used in a variety of rubber products and an endless track is similar to an industrial belt, and the problem of preventing unwanted elongation is a consideration in all belts of this nature.

3. Claims 8, 9, 11, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al in view of Kuriya (EPO 568271; cited by Applicant).

Katayama et al discloses an endless track comprising an elastomeric belt and a plurality of reinforcing cables. As shown in figures 2 and 5, the cables comprise longitudinal cables 7 and layers of lateral cables 8 which have different widths. The cables are not disclosed as being wound in a helix, but such an arrangement is well-known and would therefore have been obvious to those of ordinary skill in the art as a functionary equivalent structure which would obviate the need for connectors for the ends of the cables. The composition of the cables 8 is not specified.

Kuriya teaches a structure for a cable for reinforcing rubber articles comprising a first core 2 of three filaments, a second intermediate layer 4, and an outer layer 6. From this teaching it would have been obvious for the cables of Katayama et al to comprise multiple layers of filaments as this would provide a strong and suitable cable for the track.

With respect to claims 9 and 11-13, the number of transverse layers of cable, their positioning within the belt, and the directions of the cables are all obvious as mechanical expedients as such are all well-known and those of ordinary skill in the art

Art Unit: 3617

could readily choose which arrangements were best suitable for the intended use of the track.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al in view of Kuriya as applied to claim 9 above, and further in view of Japanese document 55-119572.

For the cables to comprise a layer on the inner side of the belt would have been obvious as taught by Japanese '572 in order to further reinforce the belt.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new grounds of rejection.

With respect to claims 8-14, Applicant has merely argued that the rejection did not provide "any legally tenable suggestion or motivation to combine the teachings of the two references." This is not found to be persuasive because the teachings found in the Kuriya reference are drawn to solving the problem of unwanted elongation or stretching in rubber articles. Tire are mentioned by example, but the steel cords are used to reinforce rubber articles. The endless track of the base reference of Katayama et al is a rubber article, as is the endless track of the instant invention. All three employ endless steel cords or cables to reinforce the rubber article to reduce unwanted elongation and therefore all three are drawn to the same problem to be solved.

Art Unit: 3617

Conclusion

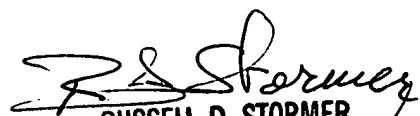
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other endless tracks and cables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/28/05


RUSSELL D. STORMER
PRIMARY EXAMINER 11/28/05